

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
July 21, 2009

The City Council convened in Regular Session on Tuesday, July 21, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The Honorable Mayor Patricia M. York was absent. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #47000

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARING

The President of the Council Larry Muench announced that the following Public Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

- A. Issuance by the City of \$30,000,000 Principal Amount of General Obligation Bonds to Finance a Portion of the Costs of Constructing, Furnishing and Equipping a Multi-Purpose Fitness, Aquatic and Community Center (the "Project") to be Located at 1 Freedom Center Drive (in the 2600 Block of Veterans Memorial Parkway) *(RCA Attached)*

RESOLUTIONS/AWARDS/PROCLAMATIONS

Presentation of Checks to Grant Recipients

Chairperson of the Grant Review Committee Richard Veit provided an overview of the Social Service Grant Program offered by the City Council.

*Community Living* Presentation of check was made by Vice President of the Council Laurie Feldman to grant recipient Community Living in the amount of \$530.00; and a brief presentation was given by Leann Clement explaining the functions of the organization.

*C.R.E.A.T.E., Inc. (Leftovers, etc.).* Presentation of check was made by Vice President of the Council Laurie Feldman to grant recipient C.R.E.A.T.E., Inc. (Leftovers, etc.) in the amount of \$4,000.00; and a brief presentation was given by Sandy O'Dell and Jim Fitch explaining the functions of the organization.

*Habitat for Humanity of St. Charles County.* Presentation of check was made by Councilmember Richard Veit to grant recipient Habitat for Humanity of St. Charles County in the amount of \$1,000.00; and a brief presentation was given by Kelly Brooks explaining the functions of the organization.

*St. Charles County Historical Society.* Presentation of check was made by Councilmember Richard Veit to grant recipient St. Charles County Historical Society in the amount of \$500.00;

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and a brief presentation was given by Dr. Gary McKinney explaining the functions of the organization.

*St. Louis Children's Hospital Foundation* Presentation of check was made by President of the Council Larry Muench to grant recipient St. Louis Children's Hospital Foundation in the amount of \$2,500.00; and a brief presentation was given by Jeannie Gibbons explaining the functions of the organization.

*Youth in Need.* Presentation of check was made by President of the Council Larry Muench to grant recipient Youth in Need in the amount of \$720.00; and a brief presentation was given by Karen Civey explaining the functions of the organization.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9972 Authorizing a Mooring Lease Agreement with Lt. Robert E. Lee, L.L.C. for the Operation of a Floating Restaurant and Entertainment Facility  
**Steve Petroff**, Owner, Lt. Robert E. Lee, L.L.C., spoke in favor of Council Bill 9972.

Council Bill 9974 Authorizing the Issuance of Taxable Industrial Revenue Bonds (MiTek Industries, Inc. Project)  
**Karen Craven**, 156 St. Peters Centre Blvd., Development Disabilities Resource Board, spoke in opposition to Council Bill 9974.

**Dr. Dan Dozier**, 2165 Highway V. Superintendent, Orchard Farm School District, spoke in opposition to Council Bill 9974.

**John Gieseke**, 3340 Shutten, spoke in opposition to Council Bill 9974.

**Jim Brown**, 2478 W. Randolph, St. Charles City-County Library District, spoke in opposition to Council Bill 9974.

**Dan Troesser**, 1200 North Fifth Street, spoke in opposition to Council Bill 9974.

Council Bill 9983 Amending the Planned Development Agreement for Springwell Village  
**Brad Goss**, 1475 Fairgrounds, spoke in favor of Council Bill 9983.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

**Bill Davis**, 1946 Sibley, spoke relative to City issues.

## BILLS FOR FINAL PASSAGE

**Approved** by the Honorable Mayor on July 23, 2009, and is known as **Ordinance 09-135**

***Approved*** by the Honorable Mayor on July 23, 2009, and is known as **Ordinance 09-136**

***Approved*** by the Honorable Mayor on July 23, 2009, and is known as **Ordinance 09-137**

*Approved* by the Honorable Mayor on July 23, 2009, and is known as **Ordinance 09-138**

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**Bill 9970**

An Ordinance Authorizing the Mayor and City Clerk to Execute and File the Substantial Amendment to the Consolidated Plan 2008 Action Plan with the U.S. Department of Housing and Urban Development for Receipt and Use of Community Development Block Grant Recovery Funds (CDBG-R) (*Sponsor: Laurie Feldman*)

**Passed** "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit,  
Weller, Beckering, and Ermeling

"Nay": None

Absent: None

**Approved** by the Honorable Mayor on July 21, 2009, and is known as **Ordinance 09-133**

**Bill 9971**

An Ordinance Authorizing an Amendment to the 2009 Consolidated Plan and Annual Action Plan with the U.S. Department of Housing and Urban Development for the Use of Community Development Block Grant Funds for Fiscal Year 2009 (*Sponsors: Larry Muench and Laurie Feldman*)

**Passed** "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit,  
Weller, Beckering, and Ermeling

"Nay": None

Absent: None

**Approved** by the Honorable Mayor on July 22, 2009, and is known as **Ordinance 09-134**

**Bill 9972**

An Ordinance Authorizing a Mooring Lease Agreement By and Between the City of St. Charles and Lt. Robert E. Lee, L.L.C. for the Operation of a Floating Restaurant and Entertainment Facility on the Vessel Known as the Lt. Robert E. Lee Operating its Services from the Dock Located at 1000 Riverside Drive (*Sponsor: Larry Muench*)

**Passed** "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit,  
Weller, Beckering, and Ermeling

"Nay": None

Absent: None

**Approved** by the Honorable Mayor on July 23, 2009, and is known as **Ordinance 09-139**

**BILLS FOR INTRODUCTION**

The following Council Bills were introduced, except Council Bill 9983:

**Bill 9973**

An Ordinance Approving the Record Plat for Amended Plat for Lots 1, 2, Future "A" and Future "B" Truman Business Center, Plat One, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

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**Bill 9974**

An Ordinance Authorizing the City of St. Charles, Missouri, to Issue its Taxable Industrial Revenue Bonds (MiTek Industries, Inc. Project), Series 2009, in a Principal Amount not to Exceed \$10,124,750 for the Purpose of Providing Funds to Pay the Costs of Purchasing, Constructing, Installing, and Equipping a Facility for an Industrial Development Project in the City; Approving a Plan for the Project; and Authorizing the Mayor to Enter into Certain Agreements and Take Certain Other Actions in Connection with the Issuance of the Bonds (*Sponsor: Michael Klinghammer*)

Councilmember Bob Kneemiller requested the following information: 1) total number of jobs at MiTek (new and existing); 2) total taxes paid by MiTek; 3) total tax in the event the building was vacant; and 4) report on vacant buildings in Fountain Lakes.

**Bill 9975**

An Ordinance Approving a Settlement Agreement with AT&T/SBC Landline and Authorizing the Mayor and City Clerk to Execute Documents Necessary to Facilitate Receipt of Settlement Funds (*Sponsor: Larry Muench*)

**Bill 9976**

An Ordinance Authorizing Change Order No. 1 to Contract C07-633 (Missouri Piping) as assigned to First National Insurance Company c/o Safeco Insurance Company for Construction Costs Associated with the West Adams Storm Sewer Project in an Amount of \$32,474.86, for a Total Contract Amount Not to Exceed \$294,770.04 (*Sponsors: Dave Beckering and Erv Ermeling*)

**Bill 9977**

An Ordinance Authorizing Supplemental Agreement No. 3 to the Engineering Services Contract with Donahue and Associates for the Mississippi Wastewater Treatment Plant Improvements in an Amount of \$353,000.00 for a Total Contract Amount Not to Exceed \$1,276,780.50 (*Sponsor: Erv Ermeling*)

**Bill 9978**

An Ordinance Authorizing a Contract with Mississippi Lime for the Purchase of ½" Bulk Pebble Lime for the Elm Point Water Treatment Plant in an Amount Not to Exceed \$271,966.00 (*Sponsor: Erv Ermeling*)

**Bill 9979**

An Ordinance Authorizing Supplemental Agreement No. 3 to the Engineering Services Contract with HDR/Archer Engineering for the Missouri Wastewater Treatment Plant Improvements in an Amount of \$86,000.00, for a Total Contract Amount Not to Exceed \$1,053,241.00 (*Sponsor: Erv Ermeling*)

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**Bill 9980**

An Ordinance Repealing Code of Ordinances Sections 33.158, 51.40 and 52.55 and Enacting In Lieu Thereof Three New Sections To Be Known As Sections 33.158, 51.40 and 52.55 Pertaining to Water and Sewer Rates (*Sponsors: Larry Muench, Laurie Feldman, Bob Kneemiller, Dave Beckering, Michael Klinghammer, Ron Stivison and Erv Ermeling*)

**Bill 9981**

An Ordinance Establishing Water and Sewer Service User Rates and Fees; and an Effective Date Thereof. (*Sponsors: Larry Muench, Laurie Feldman, Bob Kneemiller, Dave Beckering, Michael Klinghammer, Ron Stivison and Erv Ermeling*)

Councilmember Bob Kneemiller requested that the possibility of budget billing be explored by Staff.

**Bill 9982**

An Ordinance Finding and Declaring that the Acquisition of Certain Lands for the Adams Street Lift Station Upgrade Project is Declared to be Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsor: Erv Ermeling*)

**Bill 9983 (Withdrawn)**

An Ordinance Amending the Planned Development Agreement for Springwell Village and Approving in its place an Amended and Restated Planned Development Agreement (*Sponsor: Jerry Reese*)

Sponsor Jerry Reese withdrew Council Bill 9983.

File #47176

**Bill 9984**

An Ordinance to Amend the Urban Code for New Town at St. Charles by Revising Section 1.3.9.b. General Ambient Standards (*Sponsor: Michael Klinghammer*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to the Recommendation by the Ward Redistricting Committee

Councilmember Dave Beckering announced that the Ward Redistricting Committee will bring forward an ordinance to amend the Ward Boundaries as recommended by the Committee. Discussion was held relative to the proposed redistricting, including revisions suggested by Councilmember Richard Veit and President of the Council Larry Muench, and concern voiced by Councilmember Jerry Reese redistricting prior to receipt of the 2010 Census Numbers.  
File #47177

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 9.E 6 Confidentiality Agreement with the Cullinan Companies L.L.C*, from the Consent Agenda. A motion was made by DAVE BECKERING to receive and approve the balance of the Consent Agenda. LAURIE FELDMAN

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seconded the motion. A roll call vote was taken, with the following results: "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, and Feldman. "Nay": None. Absent: None. Motion passed.

A. Approval of Council Minutes

1. Public Hearing of July 7, 2009

File #47178

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes

- a. Community Freedom Center Oversight Committee Meeting of January 5, 2009

File #47096

- b. Community Freedom Center Oversight Committee Meeting of June 1, 2009

File #47096

- c. Fire Station Design Team Committee Meeting of July 2, 1009

File #47017

- d. Fire Station Design Team Committee Meeting of July 3, 2009

File #47017

- e. Technology Committee Meeting of July 6, 2009

File #47097

- f. Small Business Incentives Committee Meeting of July 7, 2009

File #47179

- g. Council Work Session of July 7, 2009

File #47016

2. Approval of Council Committee Motions/Actions/Recommendations

- a. Community Freedom Center Oversight Committee Meeting of January 5, 2009

- i. Motion to Rent the Site Trailer Pending Receipt of Information Relative to Purchasing

- b. Community Freedom Center Oversight Committee Meeting of June 1, 2009

- i. Motion for Hastings and Chivetta to Use the Following Choices of Materials in the Design of the Exterior of the Community Center:

- a) Brick: Autumn Blend, Pacific Hand Molds

- b) Burnished block: Light Karmel

- c) Split Face block: Pewter

- c. Fire Station Design Team Committee Meeting of July 2, 1009  
(None)

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- d. Fire Station Design Team Committee Meeting of July 3, 2009
    - i. Motion to Design a 3000 square foot Police Department District Station
    - ii. Motion to Reduce Number of Fire Station Engine Room Bays to 2 ½ Bays (Maintaining 100 Feet Length)
    - iii. Motion to Provide Trench Drains (Rather than Spot Drains) in the Engine Bays
  - e. Technology Committee Meeting of July 6, 2009 *(None)*
  - f. Small Business Incentives Committee Meeting of July 7, 2009 *(None)*
  - g. Council Work Session of July 7, 2009 *(None)*
- C. Receipt of Reports from Boards, Commissions or Committees
- 1. Veterans Commission Meeting of June 8, 2009  
File #47113
  - 2. Planning and Zoning Commission Meeting of May 18, 2009  
File #47058
  - 3. Special Planning and Zoning Commission Meeting of June 8, 2009  
File #47058
  - 4. Board of Public Works Meeting of May 28, 2009
    - a. Motion to Recommend Approval of the Contract with All Type Grading Excavating, Inc. for the West Adams Phase II Stormwater Project in an Amount not to Exceed \$99,469.07
    - b. Motion to Recommend Approval for the Acquisition of Certain Land Required for the Bee Jay Lane Storm Sewer Project
    - c. Motion to Recommend Approval of the White Lake Storm Sewer Project for Construction Funding
    - d. Motion to Recommend Approval of Revision to Sections 151.34 and 151.68 of the Code of Ordinances Relative to Filter Barriers
    - e. Motion to Recommend Approval of a Contract with All Type Grading Excavating, Inc. for the Construction of the Pine Street Sanitary Sewer Project in an Amount not to Exceed \$91,570.82
    - f. Motion to Recommend Approval of Supplemental Agreement #2 with RJN Group, Inc. for Construction Inspection Services for the Arena Parkway Water Main Project in an Amount not to Exceed \$965.66
    - g. Motion to Recommend Acceptance of Water Main Utilities at Mallard Pointe
    - h. Motion to Recommend Approval of a Contract with HD Supply Waterworks in an Amount not to Exceed \$129,633.22
    - i. Motion to Recommend Approval of the Revised Water Specifications with the Modification of Section C, by Adding "With the Approval of the City of St. Charles Water Division"
- File #47072



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- D.     Receipt of Reports of the Director of Administration
1.     Authorization to Negotiate Engineering Services Contract with Crawford, Bunte, Brammeier to Design the Old Highway 94 South Right Turn Lane Project
- File #47180
2.     Authorization of Filling Vacant Position for a Lead Dispatcher for the Police Department
- File #47181
3.     Authorization of Filing Vacant Position for a Full Time Court Clerk in the Municipal Court
- File #47182
- E.     Approval of Contracts and Easements from \$30,001 - \$99,999
1.     Contract with Madden Media for Advertising in Oprah Magazine and Missouri Vacation Guide in an Amount of \$63,235.64
- File #47183
2.     First Renewal Contract with Sprint for City-Wide Mobile Broadband Card Monthly Services in an Amount not to Exceed \$40,560.00
- File #47184
3.     Supplemental Agreement No. 2 with Kuhlmann Design Group, Inc. for the Mississippi Wastewater Treatment Plant Maintenance Building Project in an Additional Amount of \$2,400.00; Total Contract Amount \$69,400.00
- File #47185
4.     Right of Way and Easement Acquisition Agreement with Friedens United Church of Christ for the Highway 94 and Zumbuhl Road/Friedens Road Improvements in the Amount of \$60,000.00
- File #47186
5.     Second Renewal Contract with Schulte Supply for the Purchase of Water Meters in an Amount not to Exceed \$90,000.00
- File #47187
6.     Confidentiality Agreement with the Cullinan Companies L.L.C.
- REMOVED FROM THE CONSENT AGENDA
- F.     Preliminary Plats
- None
- G.     Miscellaneous
1.     Report of Court Administrator of Monies Collected and Deposited During the Month of June 2009
- File #47056
2.     Investment Report for June 2009
- File #47057

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3. Street Status Report as of June 30, 2009  
File #47034
4. Update and Status Report on the Emergency Creek Projects  
File #47008

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 9.E.6. Confidentiality Agreement with the Cullinan Companies L.L.C.

A motion was made by LAURIE FELDMAN to hold the Confidentiality Agreement with the Cullinan Companies, L.L.C. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

In the absence of the Mayor, Director of Administration Michael Spurgeon provided the following information:

*Recycling Information* Director of Administration Michael Spurgeon gave an update on the City's Recycling Program. Vice President of the Council Laurie Feldman announced that recycling has increased by 67% in 2009.

*Council Watch List.* Director of Administration Michael Spurgeon stated that the Council Watch List has been distributed to the Councilmembers; and requested that the Council contact him relative to any comments or questions.

*Community Relations Liaison Position.* Director of Administration Michael Spurgeon stated that Staff is in the last stages of hiring a Community Relations Liaison; and that a date/time will be scheduled for the Councilmembers to meet the two candidates.

*Technology Committee* Director of Administration Michael Spurgeon provided an update that Staff is in the process of scheduling site visits relative to Project Enterprise.

*Strategic Plan.* Director of Administration Michael Spurgeon stated that Strategic Plan will be discussed further at the Council Work Session scheduled for August 11, 2009.

*Building Code Revisions.* Director of Administration Michael Spurgeon stated that proposed revisions to the Building Code will be presented at the Council Work Session in September 2009. Vice President of the Council Laurie Feldman announced that the revisions include sustainability codes.

*Small Business Incentives Committee.* Director of Administration Michael Spurgeon gave an update on the discussion held at the initial Small Business Incentives Committee Meeting.

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ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

*Big Kahuna Charitable Event* Councilmember Bob Kneemiller announced that Community Living is hosting a Celebrity Bartender Challenge on Thursday, July 23, 2009, at Side Pockets.

*Clydesdales on Main Street.* Vice President of the Council Laurie Feldman announced that the Clydesdales will be on Main Street on Friday, July 17, 2009.

*Hot Summer Nights.* Councilmember Bob Kneemiller announced that Hot Summer Nights is scheduled for Saturday, July 25, 2009.

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following Closed Session Minutes. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer. "Nay": None. Absent: None. Motion passed.

- A. Retreat of April 28, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12);
- B. Council Work Session of June 9, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- C. Council Work Session of June 16, 2009, session relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12);

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12); with the following results: "Aye": Muench, Reese, Stivison, Veit, Weller, Beckering, Feldman, Klinghammer, and Kneemiller. "Nay": Ermeling. Absent: None. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:40 p.m.

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August 4, 2009  
Date Approved  
Marilyn K. McCoy  
City Clerk

L. A. Muench  
Larry Muench, Presiding Officer